

March 22, 2024

**Via ECF**

Hon. Victoria Reznik  
Southern District of New York  
United States District Court  
300 Quarropas St.  
White Plains, NY 10601

Re: *Melville v. HOP Energy, LLC*, No. 21 Civ. 10406 (KMK) (VR)

Dear Judge Reznik,

Counsel for Plaintiff and the Proposed Class and Defendant submit this joint status letter in accordance with the Court's March 18, 2023 Order.

By way of background, during the March 6, 2024 conference the Court directed the parties to meet and confer about Defendant's remaining ESI production, a new proposed deadline for substantial completion of document discovery, and whether the parties intended to submit a case management plan in *Mullaney*.

On March 12, the parties met and conferred and Plaintiffs made a proposal regarding Defendant's remaining ESI production. On March 15, 2024, the parties submitted a letter to Your Honor noting that discussions were ongoing and Your Honor directed the parties to submit another status letter on March 22, 2024.

Following subsequent conferrals, the parties agreed as follows:

1. By April 12, 2024, Defendant will produce all documents defense counsel has collected to date that were recalled by the parties' the agreed-upon search terms, subject to a privilege clawback. Before producing the documents, Defendant will perform an initial privilege review. Any documents not withheld on privilege grounds will be produced.
2. Reasonably promptly after the production of documents, Defendant will serve a privilege log.
3. If after production Defendant believes highly sensitive documents unrelated to this litigation were produced, Defendant may request that Plaintiff return or destroy such documents. Plaintiff will consider Defendant's request in good faith. If the parties are unable to come to an agreement about whether a document should be returned or destroyed, the parties may seek court intervention.

Given that the parties reached agreement on the above issues, the parties believe they can complete fact discovery by August 9, 2024 and expert discovery by December 13, 2024. Absent

Hon. Victoria Reznik

Page 2 of 2

further guidance from Your Honor, the parties intend to submit a request to Judge Karas to amend the Case Management Plan accordingly and request that Judge Karas enter an equivalent Case Management Plan in *Mullaney*.

Thank you for the Court's attention to this matter.

Respectfully submitted,

**WITTELS MCINTURFF PALIKOVIC**

By: /s/ J. Burkett McInturff

J. Burkett McInturff

Ethan D. Roman

Daniel J. Brenner

305 Broadway, 7<sup>th</sup> Floor

New York, NY 10007

(914) 775-8862

(914) 775-8862 (fax)

jbm@wittelslaw.com

edr@wittelslaw.com

djb@wittelslaw.com

**NIXON PEABODY LLP**

By: /s/ Matthew T. McLaughlin

Matthew T. McLaughlin

Exchange Place

53 State Street

Boston, MA 02109

(617) 345-1000

(617) 345-1300 (fax)

mmclaughlin@nixonpeabody.com

*Attorneys for Defendant*

**SHUB & JOHNS LLC**

Jonathan Shub

Four Tower Bridge

200 Barr Harbor Drive, Suite 400

West Conshohocken, PA 19428

jshub@shublawyers.com

*Attorneys for Plaintiff and the Proposed Class*